

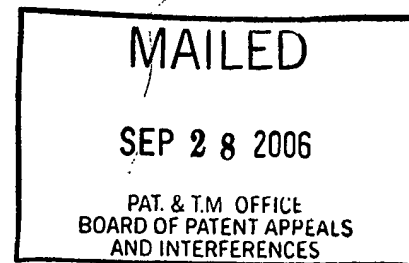
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KIRK S. GIBONEY and JONATHAN SIMON

Appeal No. 2006-1719
Application No. 10/007,494

ORDER DISMISSING APPEAL



On February 17, 2004, appellants filed a Notice of Appeal. On May 30, 2006, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provision Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114 filed after appeal has been take, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

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Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', with a long horizontal flourish extending to the right.

DALE M. SHAW
Deputy Chief Appeals Administrator
(571)272-9797

DMS:pgc

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